

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

**IN RE: JOHNSON & JOHNSON
TALCUM POWDER PRODUCTS
MARKETING, SALES PRACTICES,
AND PRODUCTS LIABILITY
LITIGATION**

MDL No. 2738 (FLW) (LHG)

*This document relates to: Carlyne B. Willis,
individually,*

2:2016-cv-01413

SHORT FORM COMPLAINT AND JURY DEMAND

The Plaintiff(s) named below file(s) this *Short Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations contained in *Plaintiffs' Master Long Form Complaint* in *In re: Talcum Powder Products Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2738 in the United States District Court for the District of New Jersey. Plaintiff(s) file(s) this Short Form Complaint as permitted by Case Management Order No. 1 of this Court.

In addition to those causes of action contained in *Plaintiffs' Master Long Form Complaint*, where certain claims require specific pleadings and/or

amendments, Plaintiff(s) shall add and include them herein.

IDENTIFICATION OF PARTIES

Identification of Plaintiff(s)

1. Name of individual injured due to the use of talcum powder product(s):

Carlyne B. Willis.

2. At the time of the filing of the specific case, Plaintiff(s) is/are a citizen of

Toney, Alabama.

3. Consortium Claim(s): The following individual(s) allege damages for loss of consortium: N/A.

4. Survival and/or Wrongful Death Claims:

Name and residence of Decedent Plaintiff when she suffered the talcum powder product(s) related death: N/A.

5. Plaintiff/Decedent was born on 2/13/1951 and died on N/A.

6. Plaintiff is filing this case in a representative capacity as the N/A of the____, having been duly appointed as the _____ by the Court of _____

_____.

7. As a result of using talcum powder products, Plaintiff/Decedent suffered personal and economic injur(ies) that are alleged to have been caused by the use of the products identified in Paragraph 16 below, but not limited

to, the following:

injury to herself
 injury to the person represented
 wrongful death
 survivorship action
 economic loss
 loss of services
 loss of consortium
 other:

Identification of Defendants

8. Plaintiff(s)/Decedent Plaintiff(s) is/are suing the following Defendant(s) (please check all that apply)¹:

Johnson & Johnson
 Johnson & Johnson Consumer Inc.
 Imerys Talc America, Inc. (“Imerys Talc”)
 Personal Care Products Council (“PCPC”)

¹ If additional Counts and/or Counts directed to other Defendants are alleged by the specific Plaintiff(s) as to whom this *Short Form Complaint* applies, the specific facts supporting these allegations must be pleaded by the Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure, and the Defendants against whom they are alleged must be specifically identified on a separate sheet of paper attached to this *Short Form Complaint*.

Additional Defendants:

Other(s) Defendant(s) (please specify): _____.

JURISDICTION & VENUE

Jurisdiction:

9. Jurisdiction in this Short Form Complaint is based on:

Diversity of Citizenship

Other (The basis of any additional ground for jurisdiction must be pled in sufficient detail as required by the applicable Federal Rules of Civil Procedure).

Venue:

10. District Court(s) and Division (if any) in which venue was proper where you might have otherwise filed this Short Form Complaint absent the direct filing Order entered by this Court and to where remand could be ordered by the Judicial Panel for trial: Northern District of Alabama.

CASE SPECIFIC FACTS

11. Plaintiff(s) currently reside(s) in (City, State): Toney, AL.

12. At the time of the Plaintiff's/Decedent's diagnosis with a talcum powder product(s) injury, Plaintiff/Decedent resided in (City, State): Toney, AL.

13. The Plaintiff/Decedent was diagnosed with a talcum powder product(s)

injury in (City/State): Toney, AL on April 23, 2014. Due to the Defendants' fraudulent and otherwise tortious conduct, Plaintiff Willis could not and did not discover that her cancer was caused by the use of the Defendants' products until approximately July 14, 2016 when she contacted an attorney for an unrelated matter.

14. To the best of Plaintiff's knowledge, Plaintiff/Decedent began using talcum powder product(s) on or about the following date: February 1998 and continued the use of talcum powder product(s) through about the following date: the recent past.
15. The Plaintiff/Decedent purchased talcum powder product(s) in the following (State(s)): Alabama.
16. Plaintiff/Decedent used the following talcum powder products:

Johnson & Johnson's Baby Powder

Shower to Shower

CAUSES OF ACTION

17. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference the *Master Long Form Complaint and Jury Demand* as if fully set forth herein.
18. The following claims and allegations asserted in the *Master Long Form Complaint and Jury Demand* are herein adopted by reference by Plaintiff(s):

- Count I : Products Liability – Strict Liability – Failure to Warn (Against the Johnson & Johnson Defendants)
- Count II : Products Liability – Strict Liability – Defective Manufacturer and Design (Against the Johnson & Johnson Defendants)
- Count III : Negligence (Against the Johnson & Johnson Defendants)
- Count IV: Breach of Express Warranties (Against the Johnson & Johnson Defendants)
- Count V: Breach of Implied Warranties (Against the Johnson & Johnson Defendants)
- Count VI: Punitive Damages (Against the Johnson & Johnson Defendants)
- Count VII: Negligent Misrepresentation (Against the Johnson & Johnson Defendants)
- Count VIII: Fraudulent Concealment (Against the Johnson & Johnson Defendants)
- Count IX: Fraud (Against the Johnson & Johnson Defendants)
- Furthermore, Plaintiff(s) assert(s) the following additional theories and/or State Causes of Action against Defendant(s) identified in Paragraph nine (9) above. If Plaintiff(s) includes additional theories of recovery, to the extent they require specificity in pleadings, the specific facts and allegations supporting these theories must be pled by Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure.

WHEREFORE, Plaintiff(s) pray(s) for relief and judgment against Defendants of compensatory damages, punitive damages, interest, costs of suit, and such further relief as the Court deems equitable and just, and as set forth in the Master Long Form Complaint as appropriate.

JURY DEMAND

Plaintiff(s) hereby demand a trial by jury as to all claims in this action.

Dated: May 25, 2017

Respectfully Submitted by,

/s/ M. Shane Lucado

M. Shane Lucado (ASB-7936-A53M)

Counsel for Plaintiff

Shelby Lucado, LLC

1 Perimeter Park S. Suite 435 S

Birmingham, AL 35423

T: (205) 933-8383

F: (205) 933-8386

slucado@lucadolaw.com

/s/ C. Don Freeman

C. Don Freeman (ASB-5618-S05U)

Counsel for Plaintiff

Shelby Lucado, LLC

1 Perimeter Park S. Suite 435 S

Birmingham, AL 35423

T: (205) 933-8383

F: (205) 933-8386

don@shelbyroden.com